

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 1:22-CR-20244-GAYLES/GOODMAN

UNITED STATES OF AMERICA

v.

FREDERICK LEE ALVIN,

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Jonathan Goodman’s Report and Recommendations on Defendant’s Motion to Suppress DNA Evidence (the “Report”). [ECF No. 168]. On June 9, 2023, Defendant Frederick Lee Alvin (“Defendant”) filed his Motion to Suppress DNA Evidence (the “Motion”). [ECF No. 108]. On June 15, 2023, the United States of America filed its Response in Opposition to the Defendant’s Motion, [ECF No. 114], and Defendant filed his reply on June 26, 2023, [ECF No. 130]. The Motion was referred to Judge Goodman on December 11, 2023. [ECF No. 161]. Following an evidentiary hearing, Judge Goodman issued his Report recommending that the Court deny Defendant’s Motion. [ECF Nos. 165, 168]. Defendant timely filed Objections to the Report, [ECF No. 175], and the Government filed a response in opposition, [ECF No. 178].

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific

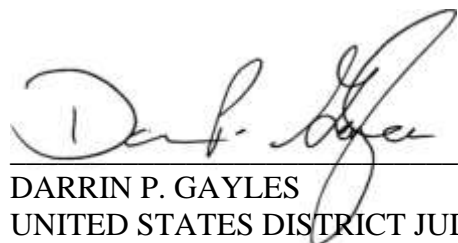
objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

This Court, having conducted a *de novo* review of the record, agrees with Judge Goodman's well-reasoned analysis and agrees that the Motion must be denied.

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Defendant Frederick Lee Alvin's Objections to the Report and Recommendations on Defendant's Motion to Suppress DNA Evidence (DE 168), [ECF No. 175], are **OVERRULED**;
- (2) Judge Goodman's Report and Recommendations on Defendant's Motion to Suppress DNA Evidence, [ECF No. 168], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference; and
- (3) Defendant Frederick Lee Alvin's Motion to Suppress DNA Evidence, [ECF No. 108], is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 2nd day of January, 2024.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE